

EXHIBIT 18

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF MISSOURI
3 CENTRAL DIVISION

4
5 MARY HOLMES, L.V. and EMPOWER
6 MISSOURI,

7 Plaintiffs,

8 vs.

9 ROBERT KNODELL, in his Case No.
10 official capacity as Acting 2:22-cv-04026-MDH
11 Director of the Missouri
12 Department of Social
13 Services,
14 Defendant.

15

16

17 *** CONFIDENTIAL ***

18

19 ZOOM VIDEOCONFERENCE DEPOSITION OF ANNA
20 WISE, a 30(b)(6) Witness, taken on behalf of the
21 Defendant before Laurel A. Woodbridge, Missouri CCR
22 No. 898 and Kansas CCR No. 1327, RPR, CSR, and CRR,
23 pursuant to Notice to Take Deposition on the 10th of
24 May 2023.

25

1 BY MS. DEABLER-MEADOWS:

2 Q. Okay. So just to make sure that I
3 understand, you reviewed documents that have already
4 been produced to Plaintiffs as part of the written
5 discovery process in this litigation?

6 A. That's correct.

7 Q. Okay. And did you meet with an
8 attorney to prepare for today?

9 A. Yes.

10 Q. Okay. Was that an attorney with DSS?

11 A. Yes, as well as the AG's office.

12 Q. Thank you. And I am just now
13 realizing that I have not defined the acronym DSS, so
14 I'm just going to put on the record that DSS is the
15 acronym for Department of Social Services.

16 Is that all right with you?

17 A. Yes.

18 Q. I want to make sure we have a clean
19 transcript.

20 So other than counsel and human
21 resources and the human resources assistant, did you
22 meet with anybody else to prepare for today's
23 deposition?

24 A. No.

25 Q. What is your current job title?

1 A. It's Office for Civil Rights Director
2 for the Missouri Department of Social Services.

3 Q. And what are your job
4 responsibilities?

5 A. My job responsibilities are to oversee
6 the Office for Civil Rights, which includes handling
7 complaints of discrimination involving the Department
8 of Social Services that are filed internally to the
9 Department of Social Services, and also handles the
10 complaints that are filed externally to other
11 agencies, whether that's federal or state agencies,
12 regarding discrimination matters involving the
13 Department of Social Services.

14 Also, I am the designated ADA
15 coordinator for the Department of Social Services, so
16 in that role I perform the job functions of the ADA
17 coordinator as it relates to accommodation for
18 services, but also do handle employee accommodations
19 and assist our division's human resource managers and
20 staff in handling employee accommodations as well.

21 I also handle other civil rights
22 matters for the Department of Social Services, assist
23 on policy, training as it relates to civil rights and
24 the ADA.

25 That's a brief summary of the duties.

1 trainings?

2 A. Generally they're monthly, a monthly
3 training.

4 Q. And the supervisors and managers, how
5 often do they attend those trainings?

6 A. They're required to take what we call
7 the managing ADA training when they've been promoted
8 or hired to a supervisor or manager position, but it
9 is also open for any supervisor or manager to take
10 the course at any time of their choosing.

11 Q. And have the materials for that
12 training course been produced in this litigation?

13 MR. HAYNES: If you know, you can
14 answer.

15 A. Okay. Yes, I believe so.

16 BY MS. DEABLER-MEADOWS:

17 Q. And who trains the employees who are
18 kind of down line from the supervisors and managers?

19 A. Oh. So for all DSS employees, they
20 receive civil rights and diversity training upon
21 hire, and then every three years thereafter is for
22 the frontline staff, and there's also a supervisor
23 and manager training. And then specific to SNAP,
24 there is an annual training that is put out as it
25 relates to civil rights, which includes the ADA

1 accommodations.

2 Q. Okay. You say the training is put
3 out. Are you the one conducting that training?

4 A. So the civil rights and diversity
5 training, that is a virtual training that -- I do not
6 conduct that. That is a team member in the human
7 resource center that conducts that training.

8 And then the second training I
9 referred to, the specific to SNAP civil rights, that
10 is an online training.

11 Q. Okay. Do you have other job duties
12 that are not related to the ADA?

13 A. Yes.

14 Q. And do those other job duties, do they
15 all relate to civil rights compliance?

16 A. Yes, there would generally be some
17 type of tie, you know, to that. That is my main
18 focus. I mean, some of it could be a little broader
19 human resources, but there's generally a tie to civil
20 rights.

21 Q. On a monthly basis, what percentage of
22 your time is generally spent on ADA-related matters?

23 THE WITNESS: Can I ask a clarifying
24 question?

25 MR. HAYNES: If you don't understand

1 the question --

2 THE WITNESS: Can I ask --

3 BY MS. DEABLER-MEADOWS:

4 Q. If you don't understand, you can
5 always tell me.

6 A. Well, actually, I just have a
7 clarification. So are you meaning like as a whole as
8 far as employment and services?

9 Q. Yes. Let's start with that.

10 A. Okay. I would say -- oh, sorry, it's
11 kind of hard to estimate that because it can
12 fluctuate, like monthly obviously because
13 accommodations are case-by-case. So it could
14 sometimes be 50 percent, but it could be lower than
15 that. Maybe a range, 20 to 50 percent, maybe
16 sometimes a little higher than 50 percent. Some of
17 that as it relates to employment if we've had changes
18 and different things like that, we can see an
19 increase in accommodation requests from our
20 employees.

21 Q. And now let's break that down further.
22 What percentage of your time monthly do you spend on
23 ADA-related matters as relates to clients and members
24 of the clique?

25 A. I would say that it's probably less

1 than 10 percent.

2 Q. Okay. Thank you. And what is the
3 budget that is allocated to your office?

4 A. I don't know.

5 Q. Have you ever had discussions with
6 superiors about increasing funding for your work?

7 MR. HAYNES: I'm going to go ahead and
8 object. I think budget is outside the scope of the
9 process that she's here to speak about as far as the
10 ADA.

11 But if you know the answer, by all
12 means.

13 A. I don't. I don't handle the budget.
14 That's why I answered "I don't know" to the other
15 one, because I don't -- I don't handle that piece --

16 BY MS. DEABLER-MEADOWS:

17 Q. Okay.

18 A. -- the budgets.

19 Q. Oh, sorry. Go ahead.

20 A. No, sorry. I was just clarifying I
21 don't handle the budget piece specifically.

22 Q. Okay. Okay. And just so we're clear
23 going forward, if your attorney objects to one of my
24 questions, unless you're specifically instructed not
25 to answer, you can still answer. There may be an

1 incident, you know, if your attorney feels that a
2 question I ask approaches attorney-client privilege,
3 he might instruct you not to answer. But otherwise
4 we can just keep going once he's put his objection on
5 the record.

6 How are DSS staff made aware that
7 you're the ADA coordinator?

8 A. Through the training that was talked
9 about earlier, as well as that information is
10 available in our DSS nondiscrimination policy
11 statement, and so we have like a posting policy so
12 that information is shared with that. And so if
13 there's an update to that, you know, employees are
14 responsible for being familiar with our
15 administrative manual. But I would say primarily
16 through the training, and it is also posted in all of
17 our offices, for our employees as well as individuals
18 who come into our office, to see.

19 Q. And other than that policy posting
20 that you were just talking about, how are clients and
21 other members of the public made aware that you're
22 the ADA coordinator?

23 A. It is provided through our DSS
24 nondiscrimination policy statement that is available
25 on that posting in the offices, as well as on the DSS

1 website.

2 Q. Okay. Anywhere else?

3 A. No, not that I can think of.

4 Q. Okay. We're going to introduce our
5 next exhibit which Sara will get loaded. Let me know
6 when you can see it. This is going to be marked as
7 DSS_Wise 2.

8 (Whereupon, Deposition Exhibit DSS_Wise
9 Number 2 was marked for identification.)

10 A. I've reviewed the Exhibit 2.

11 BY MS. DEABLER-MEADOWS:

12 Q. Okay. So this is a provision from the
13 Code of Federal Regulations. We've downloaded it off
14 of the CFR website. I'm introducing it now for
15 reference, and we're going to look specifically at
16 Subsection -- sorry.

17 This is 28 Section 35.107 and we're
18 going to look at Subsection (a), which reads, "A
19 public entity that employs 50 or more persons shall
20 designate at least one employee to coordinate its
21 efforts to comply with and carry out its
22 responsibilities under this part, including any
23 investigation of any complaint communicated to it
24 alleging its noncompliance with this part or alleging
25 any actions that would be prohibited by this part.

1 managing ADA.

2 Q. Okay. Thank you. And are staff
3 required to certify their knowledge of the
4 information contained in this training?

5 A. They do, like, have to participate in
6 the training and they do sign off on our, like,
7 sexual harassment policy that is part of this
8 training. So they do have to provide that
9 certification and, of course, participate for the
10 full six hours. And the trainer who leads it, you
11 know, is ensuring that participation in the class.

12 Q. Okay. Is their knowledge of the
13 information in the training ever tested in any way?

14 MR. HAYNES: I'll just go ahead and
15 object as to vague as to what you mean by "tested."

16 MS. DEABLER-MEADOWS: Sorry, Tom,
17 could you speak up?

18 MR. HAYNES: There it was. Object to
19 the form. It's a bit ambiguous as to what you mean
20 by "tested."

21 But if you understand the question, by
22 all means you can answer.

23 MS. DEABLER-MEADOWS: I can clarify.

24 BY MS. DEABLER-MEADOWS:

25 Q. Is there -- is there a quiz to

1 evaluate employees' knowledge after they take this
2 training?

3 A. No.

4 Q. All right. Let's turn to the 14th
5 slide in this document. And you should be able to
6 kind of type the number into the top of your screen
7 so we don't have to scroll forever, if that saves you
8 some time.

9 And let me know you're there.

10 MR. HAYNES: Just for the sake of
11 making sure we're looking at the right thing, can you
12 give us what the title of the slide is or even the
13 Bates Number at the bottom.

14 MS. DEABLER-MEADOWS: Sure. The title
15 of the slide of DSS Commitment to Clients and
16 Applicants for Services and the Bates Stamp is
17 DEF 27269.

18 THE WITNESS: I'm there.

19 MR. HAYNES: As am I.

20 BY MS. DEABLER-MEADOWS:

21 Q. Okay. So on this slide, the fourth
22 bullet indicates that "DSS is committed to make
23 reasonable accommodations for qualified individuals
24 with known disabilities unless doing so would result
25 in an undue hardship."

1 they're working with, or they can contact myself as
2 the ADA coordinator.

3 Q. And if an FSD worker suspects that an
4 individual has a disability, do they take any
5 affirmative steps?

6 MR. HAYNES: I -- go ahead. I object
7 to the form of the question. I think it was -- I
8 don't think I understood the question, but if you
9 understood it.

10 A. No. Can you clarify what you're
11 asking, please?

12 BY MS. DEABLER-MEADOWS:

13 Q. Sorry. Let's use an example. If --
14 let's say if a client comes into an FSD office to
15 apply for SNAP, and the FSD worker notices that the
16 individual is -- has a visual impairment, is that
17 worker trained to take any affirmative steps to
18 accommodate that individual's disability?

19 MR. HAYNES: That has -- I'll go ahead
20 and object. I think that's been asked and answered.

21 But you can answer.

22 A. So again, we want to ensure that we
23 don't regard individuals as disabled. Obviously, if
24 someone needs assistance, it's generally from the
25 individual asking for that. Obviously, if it's an

1 obvious disability like -- you know, one, I think I
2 gave an example earlier, like if someone was
3 struggling coming into our office, obviously
4 providing assistance. If it was obvious disability,
5 I believe you said vision impairment, they can ask
6 what assistance is needed. Because again,
7 accommodations are individually based on what is
8 needed by the individual.

9 BY MS. DEABLER-MEADOWS:

10 Q. Thank you. If a client is receiving
11 SSI or SSDI, are FSD workers trained to do any sort
12 of affirmative outreach about whether that individual
13 might need an accommodation?

14 A. Well, obviously we, like, have our
15 knowledge, like, of making our clients and applicants
16 for services aware, like how to request the
17 accommodation if needed, but it's not exactly the
18 same. Like, obviously, there's components of -- like
19 the SSI, I believe you referred to, that could go to
20 their qualification for the benefits. When we're
21 talking about reasonable accommodations as far as
22 assistance, so that they can have equal access to the
23 program.

24 Q. And just to clarify, I am using SSI
25 and SSDI as potential indicators that this person is

1 likely disabled. So if there is an indication in the
2 case file -- for example, if an individual is
3 receiving SSI -- that they are disabled, does FSD
4 take any affirmative steps to reach out and see if
5 that person might need additional assistance?

6 A. Well, like I said, we're -- the focus
7 is always working with the individual to be able to
8 apply for the services as well as the assistance to
9 maintain those services, so they're having those
10 conversations. So if it's like coming up, and
11 obviously they can notify them of the
12 nondiscrimination policy statement if some type of
13 assistance is individually needed for that individual
14 to be able to have access to the application,
15 etcetera.

16 Q. If an individual has previously
17 received an accommodation, is that noted in their
18 case file?

19 A. So, on accommodation, yes, it would
20 be -- should be noted in the case management system
21 for that individual person. For the Family Support
22 Division and SNAP, it would be our FAMIS system.

23 Q. And that's FAMIS, F-A-M-I-S; correct?

24 A. That is correct.

25 Q. Can those notes be accessed by other

1 making sure that commitment is met?

2 A. So it would be like a joint
3 responsibility. I mean, it is the expectation for
4 all of our DSS team members that they treat our
5 clients and applicants equitably, and obviously,
6 like, I have part of that role in that
7 responsibility.

8 Q. Okay. And how are staff trained on
9 this particular commitment?

10 A. Right. Through the training that I
11 have provided earlier, through the training that
12 we're referencing here, as well as like the USDA
13 civil rights training that's annually as it relates
14 to the SNAP program, as well as policy.

15 Q. And that annual USDA training, is that
16 the same as the SNAP-specific annual training that
17 you've talked about earlier today?

18 A. Yes.

19 Q. Okay. And are there any policies that
20 outline the specific commitment, other than those
21 you've already talked about?

22 A. I don't believe I mentioned, like, we
23 have a DSS administrative policy 2-115 work rules.
24 That policy would also, you know, be applicable
25 there.

1 that you referenced earlier today, do FSD employees
2 receive any other training regarding the ADA as
3 members of the --

4 A. I'm sorry. You cut out on my end. I
5 lost the very end of your statement.

6 Q. Oh, I'm sorry. Sure. With -- setting
7 aside this training that we have in front of us as
8 Exhibit 3 and the USDA FNS training that you
9 referenced earlier today, do FSD employees receive
10 any other training regarding the ADA, specifically as
11 it relates to clients and members of the public?

12 A. Supervisors and managers do receive
13 that managing ADA training that I referenced earlier.

14 Q. Okay. Anything else?

15 A. No.

16 Q. Okay. Do any supplemental trainings
17 happen in local offices?

18 A. They could.

19 Q. Do you have knowledge of any
20 supplemental trainings happening in local offices?

21 A. Not specific to the ADA. I mean,
22 there could be some local training as it relates to
23 the SNAP program specifically, but that is given from
24 FSD.

25 Q. If such trainings took place, would

1 need to be taking those courses.

2 Q. Okay. What mechanisms or paths does
3 FSD make available for applicants and recipients to
4 make reasonable accommodation requests?

5 MR. HAYNES: Object to form as this
6 has already been asked and answered.

7 But you are free to answer again.

8 A. Would you please restate the
9 beginning. I'm sorry. It's cutting out a little bit
10 out on my end, so I didn't hear the beginning.

11 MS. DEABLER-MEADOWS: Oh, I'm sorry.

12 (Off-the-record discussion.)

13 BY MS. DEABLER-MEADOWS:

14 Q. So what mechanisms or paths does FSD
15 make available for applicants or recipients of SNAP
16 to make reasonable accommodation requests?

17 MR. HAYNES: Same objection.

18 A. So as outlined by our DSS
19 nondiscrimination policy statement, it outlines that.
20 But anyone who needs auxiliary aid or service for
21 effective communication or modification to policy
22 procedure to have access to program services and
23 activities of the Department of Social Services
24 should notify DSS as soon as possible, but no later
25 than 48 hours of the scheduled event by notifying the

1 DSS local office or the DSS ADA coordinator, which is
2 myself. So that's DSS as a whole, which includes
3 FSD.

4 BY MS. DEABLER-MEADOWS:

5 Q. I'm just going to break that out a
6 little bit. Can SNAP participants make reasonable
7 accommodation requests in writing?

8 A. Yes.

9 Q. Can they do that via U.S. mail?

10 A. Yes.

11 Q. Can they fax in reasonable
12 accommodation requests?

13 A. Yes, they could.

14 Q. And can they email them in?

15 A. Yes.

16 Q. And if a SNAP participant were going
17 to make a reasonable accommodation request in
18 writing, where would they send it?

19 A. So the information is listed as the
20 ADA coordinator, so it does have the mailing address
21 for the Office for Civil Rights, so they could mail
22 it there.

23 Also, as stated, if they can make it
24 to the local office, so if they did have the local
25 office's address, they could mail it there.

1 Obviously, the main address that's listed is the
2 Office for Civil Rights.

3 Q. Okay. So that would come to your
4 office if they were using the address that's supplied
5 on -- on your public notices regarding the ADA?

6 A. Yes.

7 Q. How many written reasonable
8 accommodation requests has your office received in
9 the past year?

10 MR. HAYNES: I'm going to go ahead and
11 object as to this is a bit vague. Are you talking
12 about all of DSS? Are you talking about FSD?
13 Specific to --

14 MS. DEABLER-MEADOWS: I will rephrase.
15 BY MS. DEABLER-MEADOWS:

16 Q. How many reasonable accommodation
17 requests has your office received in writing
18 regarding SNAP in the past year?

19 A. I don't believe any.

20 Q. Okay. How many written reasonable
21 accommodation requests have various FSD offices
22 received -- or, sorry, strike that.

23 How many written reasonable
24 accommodation requests has FSD received regarding
25 SNAP in the past year?

1 A. I don't know the number. DSS does not
2 have like a separate tracking system as indicated and
3 discussed earlier. A request for accommodation would
4 go specifically in the individual case in FAMIS for
5 the applicant or client for service.

6 Q. Okay. So there's no -- there's no
7 separate log outside of FAMIS for an accommodation
8 request; correct?

9 A. That's correct.

10 Q. And those written accommodation
11 requests, if they're sent to FSD, they would not
12 automatically be forwarded to your office; correct?

13 A. No. I mean, they -- if they can be
14 handled just as far as like the process that we
15 talked about earlier, they can be handled at the
16 local office. And they receive that request, you
17 know, they can provide that accommodation directly to
18 that client or applicant for services.

19 Q. Does DSS have a form for reasonable
20 accommodation requests?

21 A. No.

22 Q. Okay. Okay. I'm going to introduce
23 DSS_Wise Exhibit 4. Let me know when you can see
24 that in the exhibit share.

25 (Whereupon, Deposition Exhibit DSS_Wise

1 Number 4 was marked for identification.)

2 A. All right. I have Exhibit 4.

3 BY MS. DEABLER-MEADOWS:

4 Q. So this is an excerpt from Plaintiff
5 Andrew Dallas' case file which was produced to
6 Plaintiffs in written discovery. The beginning Bates
7 Number for this excerpt is DEF 0138026, and we are
8 going to go to the second page, 0138027.

9 A. Yeah.

10 Q. Are you on the second page?

11 A. I am on the second page. Thank you.

12 Q. Okay. So we're going to look at --
13 there's handwritten text on this page that I --
14 again, it is handwritten, but what I read it to say
15 is "I have epilepsy and cannot understand like normal
16 people do. Please help. I am not sure I understand
17 all of the letter. I am disabled." And this is
18 written at the end of what looks like a food stamp
19 change report form.

20 Would this handwritten note on this
21 change report form, does that qualify as a reason --
22 a written reasonable accommodation request?

23 MR. HAYNES: I'm going to object to
24 the extent that calls for a legal conclusion.

25 But if you have an answer.

1 A. It is a request that this individual
2 needs assistance.

3 BY MS. DEABLER-MEADOWS:

4 Q. Okay. Under DSS policy, does this
5 handwritten note qualify as a reasonable
6 accommodation request?

7 A. Yes. I mean, it indicates that the
8 individual needs assistance with understanding this
9 letter that's put in there, and it's indicated that
10 the individual identifies that they're disabled.

11 Q. Okay. And was Mr. Dallas provided
12 with the accommodation?

13 A. I can't -- I can't speak to that at
14 this time.

15 Q. Okay. What does DSS policy dictate
16 that an FSD worker receiving this handwritten note
17 should do next?

18 A. I'm going to take a moment to read the
19 rest of the exhibit, if that's okay.

20 Q. Sure. Go ahead. Yep.

21 A. Thank you.

22 I've had a chance to review it. Would
23 you please repeat the question. Thank you.

24 MS. DEABLER-MEADOWS: Laurel, could
25 you read that back, please.

1 (Whereupon, the requested portion of the
2 record was read by the reporter, as follows:
3 "QUESTION: What does DSS policy dictate that
4 an FSD worker receiving this handwritten note
5 should do next?")

6 THE WITNESS: Thank you.

7 So this is a change report, so
8 obviously FSD would be, you know, working to process
9 that. Obviously, if there was questions and
10 assistance needed. They would be contacting the
11 individual as it relates to that specific form and
12 what other information was needed, if it was not
13 already included.

14 BY MS. DEABLER-MEADOWS:

15 Q. Okay. Would -- if there wasn't a
16 problem change report, if the change report, as far
17 as the worker could tell, looked fine, does DSS
18 policy dictate that they should reach out to follow
19 up about the accommodation request?

20 A. So if there was nothing else needed
21 and it was completed, because obviously at the
22 bottom, it indicates like "I hope I have it
23 completed," no, if everything was there, I don't
24 believe it would dictate, because this individual has
25 access to the, you know, reporting form, the change

1 sort of outreach should occur?

2 A. Obviously, it would -- could be a best
3 practice, but obviously if we had the information
4 necessary for the benefits to keep incurring, it
5 wouldn't have to. Obviously, it would be a best
6 practice to follow up with Andrew Dallas.

7 Q. Okay. So you just referenced a best
8 practice. Are there best practices written down
9 anywhere in regards to ADA compliance?

10 A. No. I mean, I -- our -- as I stated
11 in our DSS nondiscrimination policy statement, like
12 that guides our accommodation policy for services, so
13 no separate best practices.

14 Q. Okay. So nothing outside of that
15 specific policy statement?

16 A. Correct.

17 Q. Okay. Okay. We're going to introduce
18 DSS_Wise Exhibit 5. Let me know when you can see
19 that.

20 MS. LUNDEN: I apologize. Can you
21 tell me which exhibit, what Bates Stamp?

22 MS. DEABLER-MEADOWS: Oh, sure.
23 Sorry, Sara. It is 0138028.

24 MS. LUNDEN: 01380....

25 MS. DEABLER-MEADOWS: 0138028.

1 "I was contacted, this person needs to be contacted
2 related to their SNAP benefits." If we have the
3 specific benefits known, "Please contact them back."

4 And in that situation, I would
5 generally say, "Could you just send me an update of
6 action taken in case they call the OCR 800 line
7 back." But I generally always give the individual
8 our number if they have any questions or they haven't
9 heard from somebody, to always reach back out to this
10 number specifically so we can get them the assistance
11 needed.

12 BY MS. DEABLER-MEADOWS:

13 Q. Okay. So if the individual has been
14 connected with staff at DSS customer -- or, sorry, at
15 FSD customer relations and your office has connected
16 them to a person at FSD customer relations, do you
17 all do any follow-up with FSD customer relations to
18 see how the reasonable accommodation request was
19 ultimately concluded?

20 A. Generally no. That staff, you know,
21 handles the questions and what's needed for that
22 individual as it relates to -- we're talking SNAP --
23 excuse me, SNAP benefits here, answering those
24 questions and, you know, going over the relevant
25 information for them. So we would just provide what

1 was needed to them and then let them handle what's
2 needed as far as the SNAP benefit perspective with
3 that individual, the client/applicant for services,
4 directly.

5 Q. Okay. So let's return to Mr. Dallas.
6 So we've looked at a couple of notes that Mr. Dallas
7 wrote to FSD regarding his disability, and we've
8 looked at his complaint allegations regarding his
9 attempts to receive a reasonable accommodation in
10 relation to his SNAP recertification.

11 Under current DSS policies, will
12 Mr. Dallas need to make a reasonable accommodation
13 request again if he needs assistance with other SNAP
14 paperwork?

15 A. Yes, I believe so because he was --
16 specifically like the -- you're referencing the prior
17 exhibit that I reviewed, indicated he didn't quite
18 understand the specific letter, so obviously, if
19 assistance was needed with some other written
20 correspondence, I don't know what that would
21 specifically be, what would the questions be. You
22 know, obviously someone contacting Mr. Dallas to
23 assist him with the specific questions related to the
24 correspondence that he now receives.

25 Q. Is there any DSS policy or procedure

1 accommodation as quickly as possible if we're able to
2 meet the need of the client at the local office and
3 it doesn't create that undue hardship.

4 So, I mean, that's the steps. If they
5 come in and ask for assistance, you know, our FSD
6 team members are looking to provide that assistance.
7 If the frontline team member has any questions,
8 obviously they've got the resource of speaking with
9 our supervisors and managers as appropriate.

10 And again, in the -- if they're able
11 to, is making that request at the local office,
12 because obviously that is our goal is, you know, to
13 provide assistance when needed if we're able to do so
14 so individuals can apply for the SNAP program as well
15 as to have, like, continued benefits.

16 BY MS. DEABLER-MEADOWS:

17 Q. Okay. So just to make sure that I'm
18 clear, frontline workers have the authority to
19 unilaterally grant reasonable accommodation requests;
20 is that correct?

21 A. I mean, they're generally probably
22 going to speak to their supervisor or manager, but
23 like, for example, if it was a sign language
24 interpreter, like that request is -- you know what I
25 mean, can be provided at the local office, so they

1 could utilize our contracts to set up that sign
2 language interpreter.

3 As I said, most often, they're
4 probably working in coordination with their
5 supervisor or manager, but if that frontline staff,
6 you know, could make it, like you said, with my
7 example, the sign language interpreter, you know,
8 they could contact our sign language interpreter
9 providers and get that set up for that individual.

10 Q. Okay. Do frontline workers have the
11 authority to unilaterally deny reasonable
12 accommodation requests?

13 A. As outlined in our process, is like
14 when it's requested, they should document it, like
15 speak to supervisors and managers if necessary, if
16 they're unsure whether they should approve the
17 request or they believe that the request should be
18 denied, then that should get escalated through their
19 supervisor and managers and they come to my
20 attention.

21 Q. Okay.

22 A. So the answer would be no.

23 Q. Okay. So do all -- under DSS policy,
24 do all accommodation requests that a frontline worker
25 needs to deny ultimately reach your office?

1 A. The answer would be no because
2 obviously, if they can work with the supervisor or
3 manager, like if that supervisor or manager feels
4 like that they can approve it and meet it at the
5 local level, then that request for accommodation
6 could be made. But obviously if there is, like,
7 going to be a denial of the request, like I should be
8 contacted because, as I stated earlier, if we can't
9 provide the requested accommodation, we do look to
10 see if there's alternative accommodations that could
11 be provided.

12 Q. So is there any scenario in which a
13 reasonable accommodation request would be denied --
14 sorry, strike that.

15 Is there any circumstance in which a
16 reasonable accommodation request made of FSD would be
17 denied without it reaching you or someone who reports
18 to you?

19 MR. HAYNES: Object to the extent it
20 calls for speculation and just the entire universe of
21 possibilities.

22 MS. DEABLER-MEADOWS: I can rephrase.

23 BY MS. DEABLER-MEADOWS:

24 Q. Do frontline workers or managers have
25 the authority to deny reasonable accommodation

1 requests without your involvement?

2 A. No.

3 Q. Okay. Does anyone other than you
4 review denials of reasonable accommodation requests?

5 A. No, it'd be myself as the ADA
6 coordinator as it relates to services in the SNAP
7 program that we're talking about.

8 Q. Okay. Are there formal standards or
9 criteria for assessing whether to grant or deny a
10 reasonable accommodation?

11 MR. HAYNES: Objection as it's already
12 been asked and answered.

13 MS. DEABLER-MEADOWS: Let me clarify.
14 BY MS. DEABLER-MEADOWS:

15 Q. Other than the undue hardship analysis
16 that you had outlined previously?

17 MR. HAYNES: Same objection.

18 A. No, I mean, accommodations are
19 reviewed on a case-by-case basis to make that
20 determination whether we can meet the need of the
21 individual or if it creates an undue hardship. And
22 then again, as I stated, if we're not able to provide
23 that specific accommodation, we would look to see
24 what accommodations we could provide.

25 BY MS. DEABLER-MEADOWS:

1 Office of Civil Rights in the past year?

2 MR. HAYNES: And I'll object to that,
3 as rephrased, as asked and answered.

4 A. I don't recall any in the past year.

5 BY MS. DEABLER-MEADOWS:

6 Q. Okay. This slide also had a text that
7 reads, "Approve the request if you are able to meet
8 the needs of the client/applicant at the local office
9 and the request does not create an undue hardship."
10 Do frontline workers receive any specific instruction
11 on what constitutes an undue hardship?

12 A. So through the training and stuff like
13 that, and so obviously the focus on is if they can
14 meet the need of the client in the local office, then
15 that accommodation request should be met. And so if
16 they believe it would create an undue hardship,
17 that's when they should work with their supervisor,
18 that chain of command that's written in here,
19 supervisors or managers, as I referred to, and then
20 if necessary they could contact myself as the ADA
21 coordinator.

22 Q. Okay. When a reasonable accommodation
23 request does need to be run up the chain of command
24 and ultimately referred to your office, the Office of
25 Civil Rights, are there -- are there policies around

1 the timeline for how long it should take to grant or
2 deny the request?

3 A. No.

4 Q. So if a SNAP applicant or participant
5 is up against a deadline for turning in -- for
6 completing their application process or for
7 submitting a form and the reasonable accommodation
8 request cannot be granted before that deadline has
9 run, are any steps taken to ensure that that person
10 isn't deprived of benefits?

11 MR. HAYNES: Objection to the extent
12 this calls for speculation.

13 BY MS. DEABLER-MEADOWS:

14 Q. Does DSS policy dictate that any
15 steps be taken to make sure that there isn't an
16 interruption or deprivation of benefits?

17 A. Well, obviously the request would be
18 like escalated, you know, in -- you know, as quickly
19 as possible, obviously, with that. I can't speak to
20 whether, like, there would be a change in the benefit
21 or not. I don't know the reason why the SNAP
22 benefits wouldn't continue. Obviously, if after
23 working through the process and the information was
24 provided, obviously there can be, you know, a change
25 to the benefits if appropriate, but I can't answer

1 trying to understand the scenario, because I believe
2 we would be able to provide the accommodation to
3 assist Mr. Dallas with going over the information on
4 the certification form that was referenced earlier.
5 So I don't know why the accommodation wouldn't have
6 been able to be provided. If that individual that
7 they were speaking to needed assistance, they could
8 have contacted a supervisor or manager.

9 Q. Okay. Is there a DSS policy that
10 provides for staying or tolling SNAP deadlines while
11 a reasonable accommodation request is being
12 processed?

13 MR. HAYNES: I'll object to the extent
14 that calls for a legal conclusion, but within SNAP
15 policies.

16 Go ahead.

17 A. No.

18 BY MS. DEABLER-MEADOWS:

19 Q. Okay. So earlier today we talked a
20 little bit about undue hardship, and I believe you
21 used the phrase "fundamental alteration" as well.
22 What is your understanding, as ADA coordinator, of
23 the relationship between those two terms?

24 MR. HAYNES: I'm going to object
25 because I don't think I understand the question.

1 reports to you ever undertake affirmative efforts to
2 ensure that the call center is complying with the
3 ADA?

4 A. Well, obviously, as indicated, like if
5 there was, you know, any type of complaint or concern
6 that was brought forward, I would review and address
7 those when appropriate. Obviously if someone
8 contacted the Office for Civil Rights on our 800
9 line, you know, and follow-up was needed as it
10 relates to the call center, you know, I'd review and
11 take appropriate action.

12 Q. Okay. Have you or anyone who reports
13 to you ever undertaken, like, a secret shopper
14 program as to the call center where someone calls in
15 and tries to make an accommodation request just to
16 see what happens?

17 A. No, I have not.

18 Q. Okay. Have you ever recommended any
19 policy changes to improve FSD's compliance with the
20 ADA?

21 A. Not that I can think of at this time.

22 MS. DEABLER-MEADOWS: I'm going to
23 introduce another exhibit, Sara. This is going to be
24 the second interrogatories.

25 MR. HAYNES: We're not able to hear.

1 A. That would be correct. Like even
2 myself, like I answer it if I'm available.

3 Q. Okay. Thank you. And if a reasonable
4 accommodation request came in to the Office for Civil
5 Rights and one of your staff members answered the
6 call and they thought that it might need to be
7 denied, do they have the authority to do that
8 unilaterally?

9 A. No. They would contact myself.

10 Q. Okay. All right. Thank you.
11 I'm going to introduce another
12 exhibit, which is going to be DSS_Wise Exhibit 7.

13 MS. DEABLER-MEADOWS: And, Sara,
14 that's going to be 31792. And let me know when you
15 all can see that.

16 (Whereupon, Deposition Exhibit DSS_Wise
17 Number 7 was marked for identification.)

18 THE WITNESS: We can see it on our
19 end. Thank you.

20 MS. DEABLER-MEADOWS: Thanks. Okay.

21 BY MS. DEABLER-MEADOWS:

22 Q. Do you recognize this document?

23 A. I do.

24 Q. And what is this document?

25 A. It's the DSS nondiscrimination policy

1 statement.

2 Q. Okay. And is that -- is this the
3 nondiscrimination policy statement that you've been
4 referring to throughout the day today?

5 A. Yes, I have.

6 Q. Okay. Is this the current version of
7 this document?

8 A. No. We do have one that has been
9 updated after this one.

10 Q. Okay. And when was that update done?

11 A. I believe August of 2022.

12 Q. And has that updated version been
13 produced?

14 A. I'm not sure.

15 MS. DEABLER-MEADOWS: Sorry, Tom, if
16 we were meant to hear that, I could not.

17 MR. HAYNES: To my knowledge, it's
18 been produced.

19 MS. DEABLER-MEADOWS: Okay.

20 BY MS. DEABLER-MEADOWS:

21 Q. And what are the -- what changed in
22 the version subsequent to this one?

23 A. I believe what had -- what was updated
24 is we updated the USDA information within the
25 nondiscrimination policy statement. When USDA FNS

1 question was; is that correct?

2 BY MS. DEABLER-MEADOWS:

3 Q. Yes, that's correct. Thank you.

4 Do you receive documentation of
5 reasonable accommodation requests that you are not
6 personally involved in?

7 A. Would you just please repeat the
8 question?

9 Q. Do you receive documentation of
10 reasonable accommodation requests that you are not
11 personally involved in?

12 A. I would say generally no. Obviously
13 the exception that I can think of is like if there
14 was some type of complaint and the Office for Civil
15 Rights was conducting an investigation, like we would
16 receive relevant documentation. That's the capacity
17 I can think of.

18 Q. Okay. Do you keep any tabulation of
19 reasonable accommodation requests?

20 A. No.

21 Q. And for the subset of ADA reasonable
22 accommodation requests that you do review, do you
23 keep a log?

24 MR. HAYNES: I'm going to go ahead and
25 object. This has been asked and answered several

1 times now.

2 A. No.

3 BY MS. DEABLER-MEADOWS:

4 Q. I believe you testified earlier today
5 that if a reasonable accommodation request was denied
6 or if an alternative accommodation was insufficient,
7 the individual who made the request could appeal; is
8 that correct?

9 A. Well, they can always contact me as
10 the ADA coordinator, if that's what you mean by
11 "appeal."

12 Q. Okay. That was going to be my next
13 question. So if an accommodation is denied, you just
14 said they could contact the ADA coordinator, which is
15 you. Does that constitute an appeal?

16 MR. HAYNES: Go ahead.

17 Object to the extent that you are
18 calling for a legal conclusion there.

19 But again, if you have an answer, go
20 ahead.

21 A. Well, obviously, like -- I don't --
22 they can contact me. If they wanted to appeal it,
23 they could contact me. Obviously, they could always
24 contact me, like we've already talked about before,
25 like on denying an accommodation. Generally our team

1 members, as stated previously, would contact me or
2 their supervisor or manager, but you're talking
3 specifically about an individual. They could contact
4 me if they believed they were denied an accommodation
5 at the local office. And an appeal --

6 BY MS. DEABLER-MEADOWS:

7 Q. And if -- I'm sorry. Go ahead.

8 A. Sorry. I was just trying to finish
9 your statement about appeal. It wouldn't have to be
10 called an appeal. They could obviously contact me as
11 the ADA coordinator.

12 Q. Okay. And if you denied a reasonable
13 accommodation request, would there be a mechanism for
14 the individual to appeal that denial?

15 MR. HAYNES: Object to the extent it
16 calls for speculation.

17 Go ahead and answer.

18 A. Oh, I'm sorry. I was --

19 MR. HAYNES: Always go ahead and
20 answer unless I tell you otherwise.

21 A. No, I mean, not with -- like in the
22 Department of Social Services, obviously individuals
23 can go to the USDA.

24 BY MS. DEABLER-MEADOWS:

25 Q. Okay. So if an -- just to make sure

1 talk about that individuals can file a complaint with
2 USDA.

3 Q. Okay. And I know we already talked
4 about the nondiscrimination policy statement being
5 posted in local offices and being available on the
6 website. Is that document ever mailed out to SNAP
7 recipients or applicants?

8 A. The DSS nondiscrimination policy
9 statement specifically, no.

10 Q. Okay. Are other nondiscrimination
11 policy documents ever mailed to SNAP recipients or
12 applicants?

13 A. Well, the USDA FNS nondiscrimination
14 policy statement would be provided in some documents,
15 like with the notices --

16 Q. Okay.

17 A. -- excuse me, I say documents. The
18 notices in regards to the SNAP program.

19 Q. And this would be the -- you're
20 talking about like a nondiscrimination statement
21 that's kind of included in block text at the bottom
22 of a notice?

23 A. That's correct.

24 Q. Okay. Thank you. Okay. I'm going to
25 go introduce another exhibit. It will be

1 Q. Okay. Thank you. Do I understand
2 correctly that you and your staff members are the
3 workers at DSS that are making decisions on
4 disability discrimination complaints as to SNAP?

5 A. Could you please repeat the question?

6 Q. Yes. Sorry. That was very -- I will
7 rephrase. That was very convoluted.

8 Do I -- is it correct to say that you
9 and your staff members are the only employees at DSS
10 that are deciding the outcomes of SNAP complaints
11 relating to disability?

12 A. As it relates to, like, SNAP
13 disability discrimination complaints, yes, it's the
14 Office for Civil Rights who handles that.

15 Q. Okay. Do you have any written
16 standards that you use in deciding complaints?

17 A. No.

18 Q. Okay. So you just stated that the
19 terms "grievance" and "complaint" are used
20 interchangeably as to SNAP disability complaints
21 and -- strike that.

22 You indicated that the term
23 "complaint" and "grievance" are used interchangeably
24 within DSS. So does that mean that all grievances
25 that you have received since January 2019 would